

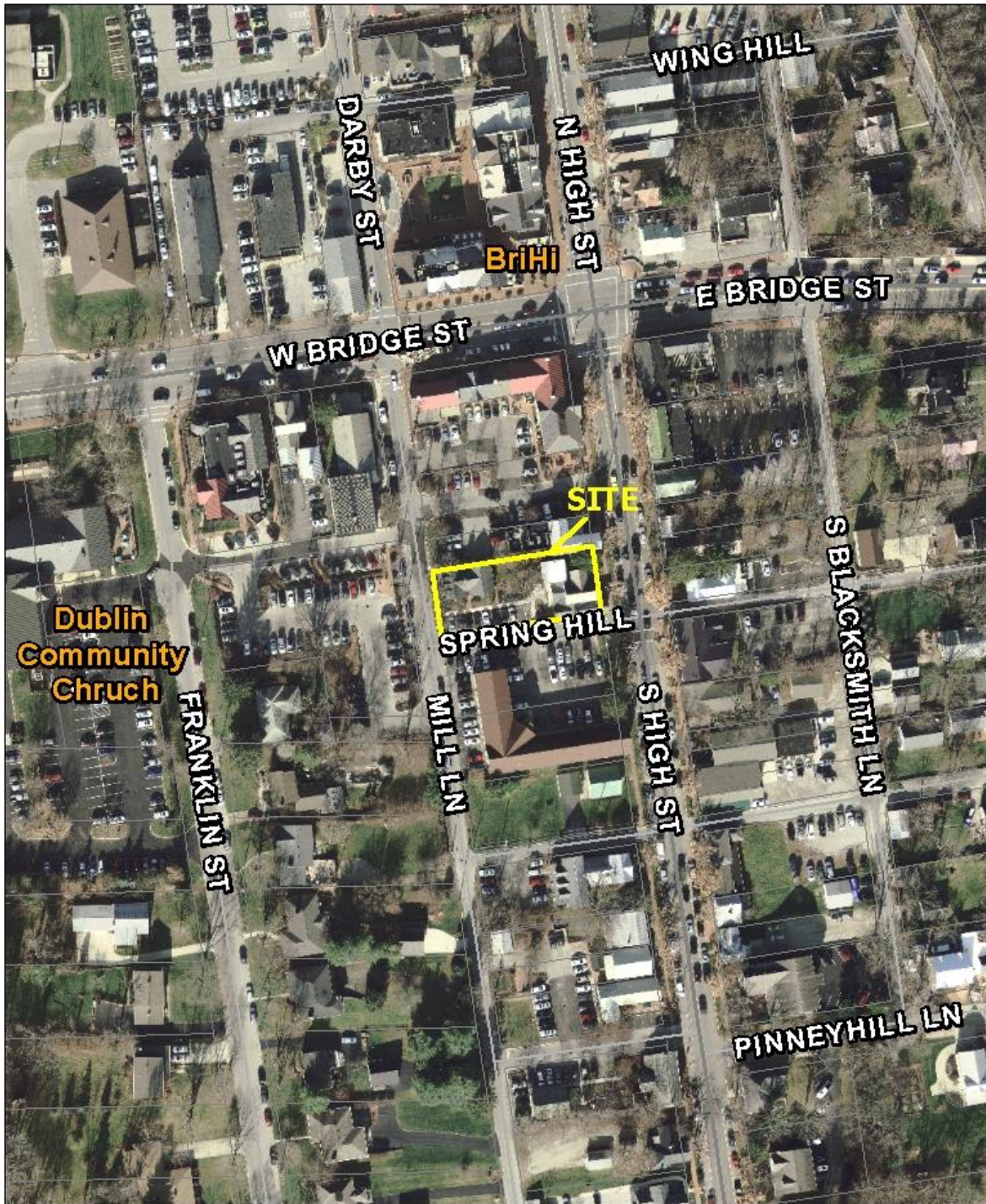
# Planning Report

Thursday, March 31, 2016

## HC Condominium Office Building – 31 South High Street

### Case Summary

Agenda Number	1
Case Number	16-014V
Location	31 South High Street West side of South High Street at the intersection of Spring Hill Lane.
Proposal	To remove the required parking wheel stops.
Request	Non-use (area) variance to Section 153.065(B)(6)(d) wheel stop requirement for existing parking.  Requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231.
Applicants	Tyrrellstown Enterprise, property owner.
Planners	Katie Dodaro, Planning Assistant and Tammy Noble, Senior Planner.
Planning Contact	(614) 410-4663 or <a href="mailto:kdodaro@dublin.oh.us">kdodaro@dublin.oh.us</a>   (614) 410-4649 or <a href="mailto:tnoble@dublin.oh.us">tnoble@dublin.oh.us</a>
Planning Recommendation	<b>Disapproval</b> Based on Planning's analysis, the request does not meet the review criteria for a non-use (area) variance and disapproval is recommended.



City of Dublin

16-014V  
Non-Use Area Variance  
BSD HC Condominium Office Building  
31 S. High Street

0 75 150  
Feet



## Facts

Site Description	The site is 0.25 acres in size and is located within the Bridge Street District Historic Core District. The site is a regularly shaped lot that contains a historic house (35 South High Street) and a small addition (39 South High Street) that front South High Street to the east, to the rear of the site are two former garages that have been converted into a carriage house (31-33 South High Street). There are multiple uses on the site which is typical in the historic district. The applicant is one of the tenants, Timeless Skin Solutions, which is a dermatologist office. The site also contains a parking area with nine parking spaces which is the subject of this request.
Zoning	BSD HC, Bridge Street District Historic Core
Surrounding Zoning and Uses	To the north, east, west and south is zoned BSD HC, Bridge Street Historic Core.
Proposal	<p>The applicant is proposing to remove the required parking wheel stops that separate the sidewalk and parking spaces. The proposed removal of the wheels stops is due to vehicle damages and customer injury.</p> <p>Section 153.065(B)(d) of the City of Dublin Zoning Code requires that a raised or rolled concrete curb or wheel stops at least five inches high be installed where abutting sidewalks and parking spaces are at the same grade. The proposed removal of the wheel stops leave no barrier between pedestrian and vehicular traffic.</p>

## Details

### Wheel Stop Requirements

Process	Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied (refer to the last page of this report for the full wording of the review standards).
Variance Request	<p>Section 153.065(B)(6)(d) of the City of Dublin Zoning Code requires raised or rolled concrete curbs or wheel stops in all parking areas that abut landscape areas, sidewalks, streets, building or lots lines. For this site, a parking area abuts a sidewalk.</p> <p>The applicant resurfaced the parking area and removed the wheel stops that were previously located within the parking area. The applicant is requesting a variance to not replace the wheel stops based on</p>



Details	Wheel Stop Requirements
	complaints regarding vehicle damage and personal injury.

Analysis	Wheel Stop Requirements
<b><i>ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET</i></b>	
(1) <i>Special Conditions</i>	<b>Standard Not Met.</b> The site is typical in shape, size and use and there is no unique characteristics that would prevent the applicants from meeting the Code. The basis of the request is based on preference of the applicant to not have the wheel stops.
(2) <i>Applicant Action/Inaction</i>	<b>Standard Not Met.</b> The applicants removed the wheel stops that were previously located within the parking area and therefore, have directly necessitated the variance.
(3) <i>No Substantial Adverse Effect</i>	<b>Standard Not Met.</b> If the wheels stops are removed, there is potential for injury to pedestrians which is the purpose of the regulation. Therefore there is a substantial adverse impact to granting the variance.
<b><i>AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET</i></b>	
(1) <i>Special Privileges</i>  (2) <i>Recurrent in Nature</i>  (3) <i>Delivery of Governmental Services</i>  (4) <i>Other Method Available</i>	The following standards have been reviewed with the finding that one standard has been met.
	<b>Standard Not Met.</b> All off-street parking areas are required to meet this provision, therefore granting a variance would provide a special privilege to the applicant.
	<b>Standard Met.</b> This request is unique and is not recurrent in nature.
	<b>Standard Met.</b> The request will not affect the delivery of governmental services.
	<b>Standard Not Met.</b> Although limited, the applicants could construct a concrete curb in place of the wheel stops.

Recommendation	Disapproval
Disapproval	Based on Planning's analysis the requested variance does not meet the required non-use (area) variance standards, therefore disapproval of the variance is recommended.

## NON-USE (AREA) VARIANCES

### Section 153.231(H)(1) Variance Procedures

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development requirements of this Code unreasonable and, therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

*Non-Use (Area) Variances.* Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing, and that the findings required in (a) and (b) have been satisfied with respect to the required standards of review (refer to the last page of this Report for the full wording of the review standards):

#### **(a) That all of the following three findings are made:**

- (1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.*
- (2) That the variance is not necessitated because of any action or inaction of the applicant.*
- (3) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.*

#### **(b) That at least two of the following four findings are made:**

- (1) That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.*
- (2) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.*
- (3) The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).*
- (4) The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.*

